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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,462	04/01/2004	Alain Van Sinoy	F-918 (31223.00035)	8397

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EXAMINER

ASINOVSKY, OLGA

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,462

Applicant(s)

SINOY ET AL.

Examiner

Olga Asinovsky

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Period for Reply - The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-17 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The cancellation of claims 9-12 is noted. Applicants amendment includes new claims 13-17.

Claim Rejections - 35 USC § 102/103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-8, 12 and 13-17 (new claims) are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Debras et al U.S. Patent 6,566,450.

The rejection is set at pages 2-4 of the office action mailed on 04/04/2006 and it is incorporated here by reference.

Response to Arguments

2. Applicant's arguments filed 07/10/2006 have been fully considered but they are not persuasive. Reference to Debras et al Patent 6,566,450 is available prior art.

3. The claimed invention is a process for producing a polyethylene resin composition by physically blending together the first and second polyethylenes such that the resulting polyethylene resin (c) has a multimodal molecular weight distribution, a density ranging from 0.935 to 0.960 g/cm³ and MI2 of from 0.2 to 0.9 dg/min, wherein a first polyethylene (a) is a low density polyethylene (mLLDPE) resin produced by using a metallocene catalyst and said (mLLDPE) has a density of from 0.920 to 0.940 g/cm³ and a melt index MI2 of from 0.1 to 10 dg/min; and a second polyethylene resin (b)

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prepared either with a Ziegler-Natta or with a metallocene catalyst system and said second polyethylene resin has a density ranging from 0.940 to 0.970 g/cm³ and a melt index MI2 of from 0.05 to 10 dg/min.

There are no claimed optical properties such as transparency, gloss and reduced haze.

Applicants argue that the present claimed invention recites the combination of density and melt index characteristics of the first and second polyethylene resins to produce a physical blend of the resins to form a polyethylene resin having a density of 0.935 to 0.960 g/cm³ and a melt index of MI2 within the range of 0.2 to 0.9 dg/min. Argument is that Debras does not disclose a density of the second polyethylene resin nor a MI2 within the range of 0.2 to 0.9 dg/min of the resulting polyethylene resin. And, also, applicants argue that melt index MI2 and a high load melt index (HLMI) are two very different melt indices (page 2 in the Remarks).

Debras discloses a first polyethylene having a density of not more than 0.925 g/ml produced with a metallocene catalyst, the second polyethylene is produced by a Ziegler-Natta catalyst and said second polyethylene has a density higher than the first polyethylene. The resultant polyethylene resin blend has a density of from 0.95 to 0.96 g/ml, col. 3, line 43 and col. 4, line 65; more typically around 0.97 g/ml, col. 9, lines 61-62. The density of the first polyethylene resin and the density of the resulting resin blend are within the range limitation in the present claims, for the present claims 1, 2, 14-15. The density of the first polyethylene being of not more of 0.925g/ml is readable in the present claim 2. The second polyethylene made with a Ziegler-Natta catalyst and

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having a bimodal molecular weight distribution is readable in the present claims 4-5.

The amount of the first polyethylene resin having a low density could be 50 wt%; and the amount of the second polyethylene having the high density fraction could be 50 wt% column 12, lines 19-20. The content of the first and second polyethylene is readable in the present claims 1, 6-7. The desired density of resulting polyethylene blend is depending of the amount of each polyethylene having different density. The density of the resulting polyethylene blend is within the scope in the present claims.

Debras discloses the same catalyst for producing the first polyethylene resin and the same catalyst for producing the second polyethylene resin.

Applicants' argument that a first polyethylene resin having a density of around 0.905 g/ml, col. 5, line 43 is not persuasive since said example is the alternative example.

In light of the disclosure at column 9, lines 55-62; column 2, line 55; column 3, lines 40-43 Debras discloses two polyethylene resins having different molecular weight and different HLMI. The resulting polyethylene blend has an HLMI of from 3 to 10 g/10 min, column 3, line 42 and column 4, lines 65-66. The density of the resulting polyethylene blend is within the range specified in the present claims. Debras' 450 discloses a High Load Melt Index (HLMI) standard to analyze the characteristic of the polyethylene.

However, having the same range of the density of the resulting polyethylene blend, and since each polyethylene resin produced by using the catalysts that are readable in the present claims, it is reasonably to presume that a melt index MI2 of the resulting blend would possess the same melt index MI2 that is in the present claims 1, 3, 13, 16-17.

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The argument that a MI2 is different from HLMI is persuasive. High Load Melt Index (HLMI) is determined by ASTM D 1238 using a load of 21,600 g at a temperature of 190 C.; whereas the melt index MI2 is determined by ASTM D 1238 using a load of 2,160 gram weight at 190 C.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

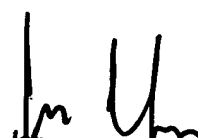
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James J. Seidleck
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